

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LARRY REYNOLDS,

Plaintiff,

CIVIL ACTION NO. 12-11664

vs.

DISTRICT JUDGE PAUL D. BORMAN

SANDRA BANKS, et al.,

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION TO AMEND COMPLAINT WITHOUT
PREJUDICE (DOCKET NO. 32)**

This matter comes before the Court on Plaintiff's motion to amend complaint filed on November 13, 2012. (Docket no. 32). Defendant Banks has not responded to the motion and the time for responding has expired. The motion has been referred to the undersigned for a hearing and determination pursuant to 28 U.S.C. § 636(b)(1)(A). (Docket no. 33). The Court dispenses with oral argument on the motion. E.D. Mich. LR 7.1(f).

Plaintiff moves for leave to file a third amended complaint to add Larry Demps as a Plaintiff and clarify the legal theories and factual basis for his claims. The motion was filed several months after Defendant Bank's counsel withdrew from the case. (Docket no. 27). Defendant Banks is now proceeding pro se. The proof of service attached to Plaintiff's motion shows that it was filed using the ECF system. (Docket no. 32). Service under the ECF system constitutes service on any party in the case registered as a filing user. E.D. Mich. L.R. 5.1.1. Service on parties who are not registered ECF users must be made by other means, such as mailing the motion to the party's last known address. Fed. R. Civ. P. 5(b)(2). Plaintiff has not shown that he served a copy of the motion on Defendant Banks at her address of record at 8270 Rosemont, Detroit, MI. 48228. Accordingly,

the Court will deny Plaintiff's motion without prejudice.

IT IS THEREFORE ORDERED that Plaintiff's motion to amend complaint (docket no. 32) is **DENIED** without prejudice.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: May 10, 2013

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Defendant Banks by first class U.S. mail and upon Counsel of Record on this date.

Dated: May 10, 2013

s/ Lisa C. Bartlett
Case Manager